

Marion I. Quesenbery, Cal. SBN 072308
RYNN & JANOWSKY, LLP
P.O. Box 20799
Oakland, CA 94620
Telephone: (510) 705-8894
Facsimile: (510) 705-8737
E-mail: marion@rjlaw.com

Attorneys for Plaintiff
Dresick Farms, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DRESICK FARMS, INC.,

Plaintiff,

v.

MIVCO PACKING COMPANY, LLC,

Defendant.

CASE NO. C08-03175 JL

~~Proposed~~ **ORDER AND JUDGMENT**

Upon consideration of Plaintiff Dresick Farms, Inc. and Defendant Mivco Packing Company, LLC's Stipulation for Entry of Judgment ("Stipulation"), and good cause appearing for approval of the Stipulation,

IT IS ORDERED THAT JUDGMENT BE AND IS HEREBY ENTERED in favor of Dresick Farms, Inc. and against Mivco Packing Company, LLC for breach of contract in the sum of \$267,025.00, plus \$34,490.60 in pre-judgment interest at the California contract rate of 10% per year, attorneys' fees and costs of \$4,025.00, and post judgment interest at the federal judgment rate from the date of this Order and Judgment until paid in full.

IT IS ORDERED that should Dresick Farms, Inc. incur attorneys' fees and costs, after this Order and Judgment is entered, to enforce or collect under the Order and Judgment, the

Judgment shall be increased in the amount of Dresick Farms, Inc.'s reasonable attorneys' fees and costs.

IT IS FURTHER ORDERED that although this Judgment may be recorded, Dresick Farms, Inc. shall not seek any writs or other process to collect the debt for six month, unless Mivco Packing Company, LLC files for bankruptcy protection, or is forced into an involuntary bankruptcy proceeding, or action is taken by a third party against any property upon which Dresick Farms, Inc. has a lien as a result of the Judgment being recorded, in which case, Mivco Packing Company, LLC may immediately takes steps to enforce the Judgment through the bankruptcy proceedings or to protect its interests in the property upon which it has a lien.

IT IS FURTHER ORDERED that, should Dresick Farms, Inc. need to take action to collect on this Judgment as a result of the recording of the Judgment, the filing of a bankruptcy petition by or against Mivco Packing Company, LLC, or the passage of the six months, Dresick Farms, Inc. shall be entitled to reasonable attorneys' fees and costs incurred by it to enforce or otherwise take action to collect the sums still owed on this Judgment.

IT IS ORDERED that the U.S. District Court for the Northern District of California shall retain exclusive jurisdiction over the parties to this action and to enforce and interpret the Stipulation between the parties and the Order and Judgment entered by the Court pursuant to the Stipulation.

Date: July ¹⁸____, 2008


United States Magistrate Judge